

**Amendment and Response Under 37 C.F.R. 1.116**

Applicant: Clyde M. Guest et al.

Serial No.: 09/848,479

Filed: May 3, 2001

Docket No.: A126.164.102

Title: SYSTEM AND METHOD FOR SELECTION OF A REFERENCE DIE

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**REMARKS**

These remarks are made in response to the Final Office Action mailed August 10, 2005. In that Office Action, the Examiner rejected claims 73-75, 79-81, and 90-92 under 35 U.S.C. §103(a) as being unpatentable over the combination of Sumie et al., U.S. Patent No. 5,943,437 ("Sumie") and Gallarda et al., U.S. Patent No. 6,539,106 ("Gallarda"). Claims 90-92 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Sumie and Gallarda, and further in combination with Schemmel et al., U.S. Patent No. 5,943,551 ("Schemmel"). Claims 76, 82, 83, 86, 87, and 93 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Sumie and Gallarda, and further in view of Miyazaki, U.S. Patent No. 6,031,607 ("Miyazaki"). Claim 98 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sumie and Gallarda, and further in combination with Khalaj et al., U.S. Patent No. 5,513,275 ("Khalaj"). Claims 78, 96, and 97 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sumie and Gallarda, and further in combination with Berezin et al., U.S. Patent No. 5,539,752 ("Berezin"). Claims 76, 82-89, and 93 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sumie and Gallarda, and further in combination with Brecher et al., U.S. Patent No. 5,544,256 ("Brecher"). Claims 77, 94, and 95 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Sumie and Gallarda, and further in combination with Michael, U.S. Patent No. 5,640,200 ("Michael"). Claims 94 and 95 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Sumie, Gallarda, and Schemmel as applied to claim 90 above, and further in combination with Michael.

With this Response, claims 76, 80-83, 86, 87, and 98 have been amended and claims 73, 79, 84, 85, and 88-90 have been cancelled. Claims 73-75, 77-79, 84, 85, 88-97 remain pending in the application and are presented for reconsideration and allowance.

**Claim Amendments**

Each of claims 73, 79, and 90 have been amended. In particular, those claims have been amended to include limitations previously presented in claims depending directly, or indirectly

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from each of those respective claims. As such, it is respectfully requested that such amendments be entered.

**35 U.S.C. §103 Rejections**

Each of claims 73-75, 77-79, 84, 85, and 88-97 stand rejected under 35 U.S.C. § 103 as unpatentable over one or more references, all in combination with Gallarda. Gallarda has a filing date of January 8, 1999. An affidavit and Exhibits are filed with this response providing evidence that the invention of the present application predates the filing date of Gallarda. Therefore, it is believed that Gallarda is not a proper prior art reference as used in the Examiner's rejection.

In light of the above, it is believed that the rejection of claims 73-75, 77-79, 84, 85, 88-97 is fully traversed. Withdrawal of the rejection, allowance of those claims, and notice to that effect are respectfully requested.

**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 73-75, 77-79, 84, 85, 88-97 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 73-75, 77-79, 84, 85, 88-97 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471. The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed Timothy A. Czaja at Telephone No. (612) 573-2004, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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**Dicke, Billig & Czaja, PLLC**  
Attn: Christopher J. McLaughlin  
Fifth Street Towers, Suite 2250  
100 South Fifth Street  
Minneapolis, MN 55402

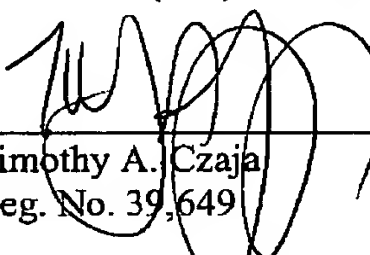
Respectfully submitted,

Clyde M. Guest et al.,

By their attorneys,

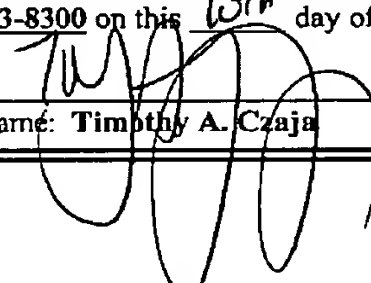
DICKE, BILLIG & CZAJA, PLLC  
Fifth Street Towers, Suite 2250  
100 South Fifth Street  
Minneapolis, MN 55402  
Telephone: (612) 573-2004  
Facsimile: (612) 573-2005

Date: November 10, 2005  
TAC:jmc

  
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Timothy A. Czaja  
Reg. No. 39,649

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper or papers, as described herein, are being transmitted via telefacsimile to Examiner Werner of Group Art Unit 2621, Fax No. (571) 273-8300 on this 10th day of November, 2005.

By:   
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Name: Timothy A. Czaja